

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARLIN GIOVANNI PICKENS,

Plaintiff,

v.

CITY OF TACOMA,

Defendant.

CASE NO. C23-5651 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 5, recommending the court deny pro se plaintiff Marlin G. Pickens's application to proceed *in forma pauperis*, Dkt. 1, and dismiss his complaint without prejudice and without leave to amend.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made*." 28 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires

1 “specific written objections to the proposed findings and recommendations” in the R&R.
2 Fed. R. Civ. P. 72(b)(2).

3 Pickens has not objected to the R&R. Accordingly, the R&R is **ADOPTED**.
4 Pickens’s motion for leave to proceed *in forma pauperis* is **DENIED**, and this matter is
5 **DISMISSED, without prejudice and without leave to amend**.

6 The Clerk shall enter a JUDGMENT and close the case.

7 **IT IS SO ORDERED.**

8 Dated this 22nd day of September, 2023.

9
10 
11

BENJAMIN H. SETTLE
United States District Judge